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Letter dated 26 September 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

I have the honour to forward, enclosed herewith, a memorandum on the systematic violations of Security Council resolution 1244 (1999) of 10 June 1999, prepared by the Government of the Federal Republic of Yugoslavia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i. of the
Permanent Mission of Yugoslavia to the United Nations

00-66189 (E) 280900

Annex to the letter dated 26 September 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

Systematic violations of Security Council resolution 1244 (1999) of 10 June 1999

1. The sovereignty and territorial integrity of the Federal Republic of Yugoslavia in Kosovo and Metohija are inviolable and final and have been unequivocally confirmed in United Nations Security Council resolution 1244 (1999) and the military-technical agreement as well as in the Ahtisaari-Chernomyrdin document (see resolution 1244 (1999), preambular para. 10, and para. 8 of annex 2).

2. The Federal Republic of Yugoslavia and the Republic of Serbia carried out all their obligations under Security Council resolution 1244 (1999) and the military-technical agreement.

3. Deployment of KFOR and the United Nations Interim Administration Mission in Kosovo (UNMIK): Under Security Council resolution 1244 (1999) and the military-technical agreement, and on the basis of the consent of the Government of the Federal Republic of Yugoslavia in June 1999, international forces under United Nations auspices (KFOR and UNMIK) were deployed in the southern Serbian province, with 50,000 soldiers, police officers and other personnel, mostly from NATO countries, with the aim of helping provide security to all citizens and a secure environment for the return of all refugees and the displaced persons for the interim period until a final political solution on the basis of the substantial autonomy is reached.

Throughout their mandate, KFOR and UNMIK have systematically and grossly violated resolution 1244 (1999) and the military-technical agreement, at the expense of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the Republic of Serbia. That attitude of KFOR and UNMIK represents a cause of a dramatic deterioration of the security, and the general, situation in the Province.

4. Failure by KFOR and UNMIK to fulfil any provision of Security Council resolution 1244 (1999) and the military-technical agreement:

- Full and consistent respect of provisions on the sovereignty and territorial integrity of the Republic of Serbia and of the Federal Republic of Yugoslavia (see resolution 1244 (1999), preambular para. 10, and para. 8 of annex 2): The Head of UNMIK, Bernard Kouchner, and other UNMIK and KFOR representatives, by their activities and decisions, systematically and deliberately violate the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the Republic of Serbia and are accomplices of Albanian separatists and terrorists in creating conditions for separation of Kosovo and Metohija from the single constitutional-legal, monetary-financial, economic, education, judicial and other systems of the Federal Republic of Yugoslavia and the Republic of Serbia. This represents a dangerous precedent in the practice of United Nations peacekeeping operations, in contravention of the basic values of the fundamental principles enshrined in the Charter of the

United Nations and the essence of United Nations peacekeeping operations in general;

- Human rights of Serbs, Montenegrins, Muslims, Roma, Goranci, Turks and other non-Albanians are massively violated (see resolution 1244 (1999), para. 11 (j)). Their basic human right, the right to life, has been threatened since the deployment of the international mission;

- Although KFOR and UNMIK announced on 20 September 1999 that the so-called KLA had been disarmed, the past developments fully contravene that. The constant armed attacks as well as the recent discovery of large quantities of hidden arms (more than 60 tons), prove that this terrorist organization has neither been demilitarized, disarmed nor disbanded (see resolution 1244 (1999), para. 9 (b));

- Neither personal nor property safety, nor the equality of all citizens and a secure environment have been ensured, which is a basic precondition for a safe return of refugees and displaced persons and unhampered delivery of humanitarian assistance (see resolution 1244 (1999), para. 9 (c));

- Laws and other regulations of the Republic of Serbia and of the Federal Republic of Yugoslavia are not implemented, there is no public order and peace (see resolution 1244 (1999), para. 9 (d)) or freedom of movement of citizens;

- Return of contingents of the Yugoslav Army (VJ) and the Special Police (MUP) has been unjustifiably prevented (see resolution 1244 (1999), para. 4, and paras. 6 and 10 of annex 2; and article I, para. 4 of the military-technical agreement). The Yugoslav Government informed the Security Council on 8 September 2000 (S/2000/859) that a special unit of VJ and the police has been established for that purpose and requested its deployment in the Province without delay;

- The international border of the Federal Republic of Yugoslavia facing Albania and Macedonia in the territory of Kosovo and Metohija is neither controlled nor ensured (see resolution 1244 (1999), para. 9 (g)). KFOR and UNMIK allowed more than 250,000 non-residents of the Federal Republic of Yugoslavia, mostly terrorists and other Albanian armed criminal gangs, to illegally enter Kosovo and Metohija. The Province has been turned into the European centre of terrorism, international organized crime, drug and arms trafficking, illegal trade in women and children, money laundering and the like;

- Systematic violation of resolution 1244 (1999) prevents the start of a political process for the resolution of the Province's status within the Republic of Serbia (see resolution 1244 (1999), para. 11 (a));

- By violating the obligation to respect the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the Republic of Serbia, KFOR and UNMIK continuously refuse to cooperate with the competent authorities of the Federal Republic of Yugoslavia in implementing the mandate of the United Nations peacekeeping mission in its territory. In doing so, they directly fuel Albanian separatist ambitions in Kosovo and Metohija, which is contrary to

the key provisions and the basic goal of resolution 1244 (1999) and the related documents.

5. Total fiasco of international presences under United Nations auspices in Kosovo and Metohija: The overall effect of the implementation of the mandate of the international security (KFOR) and civil (UNMIK) presences in Kosovo and Metohija under United Nations auspices established by Security Council resolution 1244 (1999) has been disastrous in each and every segment.

During the period from 10 June 1999 to 24 September 2000, a total of 5,168 terrorist attacks were carried out; 1,048 persons were killed, 915 of them Serbs, while 1,028 persons were wounded (961 Serbs), 987 persons were abducted (903 Serbs); arbitrarily arrested 478 (all Serbs); 88 churches and medieval monasteries were destroyed, burned down or heavily damaged, as well as 50,000 homes, mostly belonging to Serbs and Roma. More than 360,000 non-Albanians, including 270,000 Serbs, were expelled. The remaining Serbs and other non-Albanians are herded in enclaves, in ghettos and camps, and are exposed to daily armed attacks by Albanian terrorists.

The security situation in the Province has dramatically deteriorated, particularly for the Serbs, since the Special Representative announced the date of the so-called local elections. Children and the frail, monasteries and cemeteries, private and State-owned property are becoming the ever more frequent targets of Albanian terrorists. At the same time, KFOR and UNMIK do nothing to decisively put an end to escalating Albanian terrorism.

KFOR and UNMIK bear sole responsibility for chaos and lawlessness and the general criminalization in Kosovo and Metohija. White slavery, centred in Kosovo and Metohija, has assumed alarming proportions, affecting all countries of Europe. This has been recently confirmed by the International Organization for Migration (IOM).

- Members of KFOR and international bureaucrats often take part in this nefarious business and, in conjunction with ethnic Albanian criminals, have created a large market of women forced into prostitution. All along, Serbs have been arbitrarily arrested, harassed and tortured by KFOR and UNMIK, particularly in the United States military base "Bondsteel";

- The terrorist attack in Pristina on the building of the Committee of the Federal Government for cooperation with United Nations mission in Kosovo and Metohija on 18 August 2000 was an indication that Albanian terrorism, blinded by separatism, has entered a new phase of intimidation, ethnic cleansing and genocide against Serbian and other non-Albanian population in the Province;

- Brutal looting and seizure of social and private property in Kosovo and Metohija, with KFOR and UNMIK taking direct part, continue. More than 400 public and more than 1,000 private companies have been seized in the Province;

- A drastic example was the seizure of a shareholding corporation RMHK "Trepca" by KFOR and UNMIK, carried out in a surprise raid on 14 August 2000, under the threat of massive use of force against the employees and peaceful residents (Serbs);

Neither resolution 1244 (1999) nor any other document gives authority to the Special Representative of the Secretary-General of the United Nations to forcefully change the ownership relations in the Province and carry out redistribution of property at will.

6. More than a year after the NATO aggression, the Government of the Federal Republic of Yugoslavia has received no information about the locations or the consequences of the use of depleted uranium ordnance: in addition to direct consequences, the use of these inhumane weapons has caused radioactive contamination of a part of the territory of the Federal Republic of Yugoslavia, with long lasting effects on the population and environment. The use and adverse effects of these weapons are proven beyond any doubt since, inter alia, a number of States have withdrawn their KFOR contingents from Kosovo and Metohija:

- During its aggression against the Federal Republic of Yugoslavia, NATO used more than 30,000 cluster bombs: to date, the Government of Yugoslavia has received no information about locations where these inhumane weapons were used, even though more than 100 persons have died from dormant cluster bombs since June 1999. The number of wounded is much greater.

7. The Special Representative of the Secretary-General adopts decisions and regulations (more than 70) which lack basis in resolution 1244 (1999) or represent gross violations of its provisions and aims; they contribute to additional destabilization of the situation in the Province; and they encourage ethnic cleansing and genocide against non-Albanian population:

- Despite the international consent that the overall security situation in the Province is alarming, as well as the opposition of a great part of international community, the Special Representative insists on holding so-called local elections in Kosovo and Metohija on 28 October 2000, the date he arbitrarily decided upon. It represents a gross violation of resolution 1244 (1999) and the sovereignty of the Federal Republic of Yugoslavia. It ignores the fact that the minimum conditions for holding democratic, free and fair elections do not exist in the Province;

- The aim of these elections is to legalize the policy of fait accompli, that is ethnic cleansing and genocide against the Serbs and other non-Albanians, to proclaim the assorted Albanian terrorists and separatists legitimate representatives of all residents of Kosovo and Metohija and to complete the ethnic cleansing of Serbs and other non-Albanians;

- The Federal Republic of Yugoslavia reaffirms its commitment to democratic and fair elections in the Province once elementary conditions are ensured, which presupposes: consistent and full implementation of resolution 1244 (1999); equal security for all citizens; return of expelled and displaced persons; deportation of illegal Albanian aliens; holding of elections on the basis of laws of the Republic of Serbia and the Federal Republic of Yugoslavia; and the start of a political process towards bringing a final solution based on substantial autonomy;

- Based on the illegal regulation of the Special Representative of 24 July 2000, the so-called "liaison offices" of foreign Governments, granted diplomatic privileges, were opened in Kosovo and Metohija, including the Governments of those countries with which the Federal Republic of Yugoslavia has no

diplomatic relations. It is in gross violation of resolution 1244 (1999) and the Vienna Conventions on Diplomatic and Consular Relations, explicitly providing for the sovereign right of each country to decide whether or not to establish diplomatic and consular relations with other countries, that is to grant approval for opening diplomatic and consular missions in its territory;

- Not a single provision of resolution 1244 (1999) authorizes the Special Representative of the Secretary-General to communicate with foreign States through "liaison offices". There is no autonomy or self-government in the world whose competence is to receive permanent representatives of foreign countries. There is not a single case of a United Nations peacekeeping mission setting conditions for diplomatic representation of foreign States in the territory of its peacekeeping mandate;

- The regulation of the Special Representative of the Secretary-General of 17 August 2000 and the joint declaration of the Special Representative and the KFOR Commander on the status of KFOR and UNMIK in Kosovo and Metohija represents a gross violation of resolution 1244 (1999) and the existing international conventions, as well as the practice of United Nations peacekeeping operations;

- There is no other instance in the practice of United Nations peacekeeping operations in which their status, as well as the status, privileges and immunities of personnel taking part in a peacekeeping operation, is regulated unilaterally, without an agreement between a host country and the United Nations;

- The Special Representative of the Secretary-General, by his regulation of 18 August 2000, arbitrarily established the competencies and structure of self-government in Kosovo and Metohija, a part of the sovereign territory of a sovereign country in gross violation of resolution 1244 (1999), the Constitution and the laws of the Republic of Serbia and the Federal Republic of Yugoslavia, in a part of its territory, which will further encourage separatism and the separation of the Province from the Republic of Serbia and the Federal Republic of Yugoslavia.

8. Political solution in Kosovo and Metohija presupposes:

(a) Respect for the sovereignty and integrity of the Republic of Serbia and the Federal Republic of Yugoslavia;

(b) Full implementation of the mandate of UNMIK and KFOR in accordance with resolution 1244 (1999) and the military-technical agreement, in particular: physical safety and security of property of citizens; disbanding and disarming of the transformed terrorist so-called KLA; respect for human rights, free and safe return of refugees and displaced persons, deportation of all foreign nationals who are illegally staying in the Province; establishment of public peace and order, freedom of movement, return of the Yugoslav Army (VJ) and Special Police (MUP) contingents and establishment of full control at the State border;

(c) Autonomy within Serbia, guaranteeing equality of all citizens and national communities in Kosovo and Metohija;

(d) Dialogue between the legitimate representatives of national communities with the State representatives, with appropriate participation of representatives of the Security Council;

- The Government of the Federal Republic of Yugoslavia opposes most strongly all projects on the future status of autonomy and self-government that provide for the separation of this Serbian province from the present constitutional and legal systems of the Republic of Serbia and the Federal Republic of Yugoslavia. Such projects have no grounding either in Security Council resolution 1244 (1999) or in the existing constitutional order of the Federal Republic of Yugoslavia, which is inviolable.

The Federal Republic of Yugoslavia will not accept, nor will it in any way be bound by, any act aiming at imposing outside solutions on Kosovo and Metohija, irrespective of their provenance.

9. The Government of the Federal Republic of Yugoslavia requests the Security Council to take urgent and decisive measures, so that resolution 1244 (1999) may be fully and consistently implemented.

In that respect, the Government of the Federal Republic of Yugoslavia again requests the Security Council to:

- Declare null and void all acts and decisions taken by the Special Representative and Head of UNMIK which are in breach of resolution 1244 (1999);

- Condemn in the strongest terms, and put an end to, the activity of the Special Representative of the Secretary-General and Head of UNMIK and withdraw from Kosovo and Metohija the forces of KFOR and UNMIK directly responsible for the systematic violation of Security Council resolution 1244 (1999), the loss of numerous lives and the untold suffering of Serbs and other non-Albanians, as well as for the damage caused by the Albanian terrorists in the presence of tens of thousands of KFOR and UNMIK members;

- Urgently take all necessary measures to ensure a full and consistent implementation of its resolution 1244 (1999);

- Condemn most strongly the continuation of the NATO aggression against the Federal Republic of Yugoslavia by the maintenance of an illegal regime of sanctions and embargoes by NATO member States and the continuous attempts to subvert the Federal Republic of Yugoslavia and by the rendering of material, political and media support to ethnic Albanian separatists and terrorists in Kosovo and Metohija, whose activities, coupled with the UNMIK and KFOR obstruction of the implementation of resolution 1244 (1999), are aimed at bringing about destabilization and breaking up the territorial integrity of the Federal Republic of Yugoslavia and at redrawing its internationally recognized borders and, by the same token, at causing widespread instability and conflict in the region with unforeseeable negative consequences for peace and security in the Balkans;

- Take all necessary steps to compensate for material and other losses sustained by the population, economy and cultural heritage of Kosovo and Metohija through the activities of UNMIK and KFOR and the terrorist and criminal gangs they are supporting.